

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

vs.

BRANDON LEWIS KELLY,

Defendant.

CR-18-15-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 20, 2023. (Doc. 119.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on September 19, 2023. (Doc. 114.) The United States accused Brandon Kelly (Kelly) of violating his

conditions of supervised release 1) by failing to maintain employment; and 2) by failing to notify his probation officer of a change in residence. (Doc. 113.)

At the revocation hearing, Kelly admitted to having violated the conditions of his supervised release by failing to maintain employment. (Doc. 114.) The Court dismissed alleged violation 2 on the government's motion. (*Id.*) Judge Johnston found that the violation Kelly admitted proves serious and warrants revocation of his supervised release . Judge Johnston recommends a sentence of 7 months, with no supervised release to follow. Judge Johnston also recommended Kelly serve his term of custody in FCI Englewood in Englewood, Colorado. (Doc. 119.) Kelly was advised appeal rights and his right to allocute before the undersigned and he waived those rights. (Doc. 114.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 119) are **ADOPTED IN FULL**. **IT IS FURTHER ORDERED** that Defendant Brandon Lewis Kelly be sentenced to the Bureau of Prison for 7 months, no supervised release to follow. Kelly should serve his term of custody in FCI Englewood in Englewood, Colorado.

DATED this 26th day of September, 2023.

A handwritten signature in blue ink that reads "Brian Morris".

Brian Morris, Chief District Judge
United States District Court